

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHARLES SCHWAB & CO., INC.,

Plaintiff,

v.

BRIAN D. CARTER, ACORN ADVISORY
MANAGEMENT, L.L.C., and ACORN
ADVISORY CAPITAL, L.P.,

Defendants.

Judge Amy J. St. Eve

Magistrate Judge Arlander Keys

Case No. 04 C 7071

FILED

APR 21 2005

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**PLAINTIFF'S MOTION FOR LEAVE
TO FILE MOTION UNDER SEAL, *INSTANTANEOUSLY***

**MICHAEL W. DOBBINS
U.S. DISTRICT COURT**

Plaintiff Charles Schwab & Co., Inc. ("Schwab") hereby respectfully requests, pursuant to LR5.8 and this Court's Order entered November 30, 2004, for leave to file Plaintiff's Motion To Compel Defendants' Compliance With Discovery Or For Other Relief under seal, a copy of which is attached in the sealed envelope accompanying this motion. In support of this motion, Schwab states as follows:

1. This is a case involving the alleged misappropriation of trade secrets, and thus the discovery process has necessarily involved the disclosure and exchange of certain proprietary and confidential information (hereinafter, "Confidential Information") protected pursuant to an Agreed Protective Order entered by the Court on November 30, 2004.

2. Schwab now moves to compel Defendants' compliance with discovery. In order to apprise the Court of the bases for Schwab's motion to compel, Schwab's motion includes certain Confidential Information. In particular, the motion (a) summarizes deposition transcripts which were as an initial matter designated as protected pursuant to the Agreed Protective Order (the parties may be able to agree that these sections may be filed in the public record without

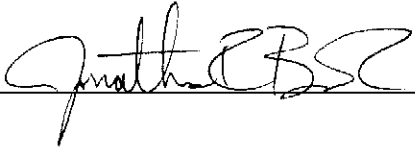
waiving other protections) and (b) attaches documents (Exs. E-G) which have been designated as Confidential or Attorneys' Eyes Only pursuant to the Agreed Protective Order (including records relating to the trade secrets Schwab seeks to protect in this lawsuit).

WHEREFORE, Schwab respectfully requests that this Court enter an order granting Schwab leave to file Plaintiff's Motion to Compel Defendants' Compliance With Discovery Or For Other Relief under seal, *instantly*, and that the Court afford such other relief as is just.

April 21, 2005

Respectfully submitted,

CHARLES SCHWAB & CO., INC.

By: _____

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Darrell J. Graham
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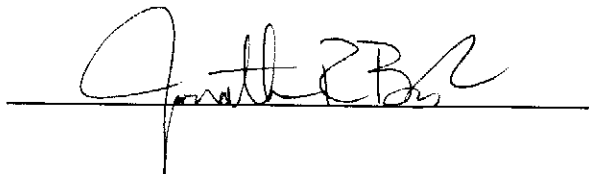
CERTIFICATE OF SERVICE

I, Jonathan R. Buck, certify that on April 21, 2005, I caused true and complete copies of

1) PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION UNDER SEAL,

***INSTANTER*, and 2) NOTICE OF MOTION** to be served by messenger on:

Peter V. Baugher
Arthur J. Howe
Schopf & Weiss, LLP
312 West Randolph Street - Suite 300,
Chicago, Illinois 60606-1721
Fax: 312.701.9335

A handwritten signature in black ink, appearing to read "Jonathan R. Buck", is written over a horizontal line.